

1 HANSON BRIDGETT LLP  
KIMON MANOLIUS, SBN154971  
2 kmanolius@hansonbridgett.com  
ALEXANDRA V. ATENCIO, SBN 227251  
3 aatencio@hansonbridgett.com  
425 Market Street, 26th Floor  
4 San Francisco, California 94105  
Telephone: (415) 777-3200  
5 Facsimile: (415) 541-9366

6 Attorneys for Defendants  
PENINSULA CORRIDOR JOINT POWERS  
7 BOARD, UNION PACIFIC RAILROAD  
COMPANY, and NATIONAL RAILROAD  
8 PASSENGER CORPORATION

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**  
12

13 MARK MORGAN,

14 Plaintiff,

15 v.

16 PENINSULA CORRIDOR JOINT POWERS  
BOARD; THE CITY AND COUNTY OF  
17 SAN FRANCISCO; UNION PACIFIC  
RAILROAD COMPANY; and DOES 1-100 ,

18 Defendants.  
19

CASE NO. 13-CV-1041 JSC

**STIPULATION TO VACATE AND  
CONTINUE SETTLEMENT CONFERENCE**

ORDER

Action Filed: November 2, 2011  
Removal Date: March 7, 2013  
Trial Date: April 21, 2014

20  
21 **STIPULATION**

22 WHEREAS, the settlement conference before United States Magistrate Judge Laurel  
23 Beeler is currently scheduled for August 28, 2013 at 9:30 a.m.;

24 WHEREAS, Plaintiff alleges that he underwent an accident-related back surgery in May  
25 2013 and subsequently suffered a meniscus tear while doing physical therapy for his back;

26 WHEREAS, Plaintiff alleges that both the back and knee injury were caused by the  
27 accident at issue in the Complaint;

28 WHEREAS, the parties have not conducted any discovery related to those claimed injuries

1 during the course of this litigation;

2 WHEREAS, the parties agreed to, and have, undertaken immediate action to obtain all  
3 related medical records via subpoena and/or medical records requests, but cannot be certain at this  
4 time when they will receive responsive documents;

5 WHEREAS, on July 19, 2013, Plaintiff's counsel informed Defendants' counsel that  
6 Plaintiff intends to undergo knee surgery on August 13, 2013 and will be on doctor-ordered  
7 physical restrictions for 8-10 weeks thereafter, and will also continue to undergo physical therapy  
8 for his back;

9 WHEREAS, Plaintiff's 8-10 week rehabilitation period following his August 13, 2013  
10 surgery will likely affect Plaintiff's ability to fully participate in an Independent Medical  
11 Examination anytime before October 8, 2013 at the earliest;

12 WHEREAS, the parties have met and conferred, and all counsel desire to vacate and  
13 continue the August 28, 2013 settlement conference to allow adequate time for discovery related  
14 to Plaintiff's newly-claimed injuries, and to conduct a meaningful Independent Medical  
15 Examination of Plaintiff;

16 WHEREAS, the court issued a minute order requiring the settlement conference to be  
17 conducted by September 13, 2013, therefore, the parties agree to jointly seek a continuance of the  
18 settlement conference deadline and any other case management deadlines that may be affected by  
19 vacating the settlement conference from Judge Corley;

20 NOW, THEREFORE, the parties to this action, through their undersigned counsel stipulate  
21 and ask the Court to enter its order as follows:

- 22 1. The settlement conference scheduled for August 28, 2013 is vacated.
- 23 2. The court will reset the settlement conference for a later date if and when the  
24 parties obtain a continuance of the September 13, 2013 deadline to conduct the settlement  
25 conference from Judge Corley.

26 **SIGNATURES UNDER GENERAL ORDER NO. 45**

27 Pursuant to General Order No. 45 of the United States District Court, Northern District of  
28 California, I, Alexandra V. Atencio-- the ECF User whose User ID and Password are used in the

filing of this document -- hereby attest that the concurrence of the filing of this document has been obtained from each of the other signatories to this document.

DATED: August 9, 2013

HANSON BRIDGETT LLP

By: /s/ Alexandra V. Atencio

KIMON MANOLIUS  
ALEXANDRA V. ATENCIO

Attorneys for Defendants  
PENINSULA CORRIDOR JOINT POWERS  
BOARD, UNION PACIFIC RAILROAD  
COMPANY, and NATIONAL RAILROAD  
PASSENGER CORPORATION

DATED: August 9, 2013

THE ZINN LAW FIRM

By: /s/ T. Andrew Davies

CARTER M. ZINN  
T. ANDREW DAVIES

Attorneys for Plaintiff Mark Morgan

DATED: August 9, 2013

SAN FRANCISCO OFFICE OF THE  
CITY ATTORNEY

By: /s/ David A. Delbon

DENNIS J. HERRERA  
CHERYL ADAMS  
DAVID A. DELBON

Attorneys for Defendant The City and  
County of San Francisco

Date: August 13, 2013

